AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL   No. 56

Introduced by Senator Dunn
(Principal coauthor: Senator Ducheny)
(Principal coauthor: Assembly Member Jones)
(Coauthors: Assembly Members Benoit, *Bermudez,* and Bogh)

January 12, 2005

An act to add Sections 69613 ~~and 69614~~*, 69614, and 69615* to the Government Code, relating to trial courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 56, as amended, Dunn. Trial courts: judgeships.

Existing law specifies the number of judges of the superior court for each county.

This bill would authorize an unspecified number of judges of the superior court ~~per year~~ to be appointed by the Governor in the 2005-06, 2006-07, and 2007-08 fiscal years, upon appropriation by the Legislature, to the various county superior courts, ~~as determined by the Judicial Council~~ *allocated pursuant to a specified method administered by the Judicial Council. The bill would require the Judicial Council to adopt, and report to the Legislature annually upon, judicial administration standards and measures that promote the fair and efficient administration of justice, as specified.* The bill would also authorize ~~up to~~ an unspecified number of subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, to be converted to judgeships, according to specified criteria and upon appropriation by the Legislature. The bill

would define the term "subordinate judicial officer" for purposes of those provisions and would declare the Legislature's intent to restore an appropriate balance between subordinate judicial officers and judges in enacting those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 69613 is added to the Government*
2 *Code, to read:*
3 *69613. (a) Additional judges in the county superior courts*
4 *authorized pursuant to Sections 69614 and 69615 shall be*
5 *allocated among counties by a method administered by the*
6 *Judicial Council that is based on the following criteria:*
7 *(1) Court filings data averaged over a period of three years.*
8 *(2) Workload standards that represent the average amount of*
9 *time of bench and nonbench work required to resolve each case*
10 *type.*
11 *(3) A ranking methodology that provides consideration for*
12 *courts that have the greatest need relative to their current*
13 *complement of judicial officers.*
14 *(b) On or before January 1, 2007, the Judicial Council shall*
15 *adopt, and shall report to the Legislature annually thereafter*
16 *upon, judicial administration standards and measures that*
17 *promote the fair and efficient administration of justice, including,*
18 *but not limited to, the following subjects:*
19 *(1) Providing equal access to courts and respectful treatment*
20 *for all court participants.*
21 *(2) Case processing, including the efficient use of judicial*
22 *resources.*
23 *(3) General court administration.*
24 ~~SECTION 1.~~
25 *SEC. 2.* Section ~~69613~~ *69614* is added to the Government
26 Code, to read:
27 ~~69613.~~
28 *69614.* (a) Upon appropriation by the Legislature in the
29 2005-06 fiscal year, there shall be _____ additional judges of the
30 superior court for appointment by the Governor ~~to the various~~
31 ~~county superior courts, as determined by the Judicial Council~~

1 ~~pursuant to uniform criteria for determining the need for~~
2 ~~additional superior court judges~~ *pursuant to the criteria set forth*
3 *in subdivision (a) of Section 69613*.
4   (b) Upon appropriation by the Legislature in the 2006-07
5 fiscal year, there shall be _____ additional judges of the superior
6 court for appointment by the Governor ~~to the various county~~
7 ~~superior courts, as determined by the Judicial Council pursuant to~~
8 ~~uniform criteria for determining the need for additional superior~~
9 ~~court judges~~ *pursuant to the criteria set forth in subdivision (a) of*
10 *Section 69613*.
11   (c) Upon appropriation by the Legislature in the 2007-08 fiscal
12 year, there shall be _____ additional judges of the superior court
13 for appointment by the Governor ~~to the various county superior~~
14 ~~courts, as determined by the Judicial Council pursuant to uniform~~
15 ~~criteria for determining the need for additional superior court~~
16 ~~judges~~ *pursuant to the criteria set forth in subdivision (a) of*
17 *Section 69613*.
18   ~~SEC. 2.~~
19   *SEC. 3.* Section ~~69614~~ *69615* is added to the Government
20 Code, to read:
21   ~~69614.~~
22   *69615.* (a) It is the intent of the Legislature in enacting this
23 section to restore an appropriate balance between subordinate
24 judicial officers and judges in the trial courts by providing for the
25 conversion, as needed, of subordinate judicial officer positions to
26 judgeships in courts that assign subordinate judicial officers to
27 act as temporary judges. The Legislature finds that these
28 positions must be converted to judgeships in order to ensure that
29 critical case types, including family, probate, and juvenile law
30 matters can be heard by judges.
31   (b) (1) Upon appropriation by the Legislature, no more than
32 _____ subordinate judicial officer positions in eligible superior
33 courts, as determined by the Judicial Council pursuant to uniform
34 criteria for determining the need for converting existing
35 subordinate judicial officer positions to superior court
36 judgeships, shall be converted to judgeships as set forth in
37 paragraph (2).
38   (2) A subordinate judicial officer position shall be converted
39 to a judicial position when a vacancy occurs in any subordinate
40 judicial officer position in an eligible superior court and the

1 Judicial Council files notice of the vacancy with the Secretary of
2 State.
3   (3) The provisions of Section 12011.5 of the Government
4 Code shall apply to any appointment to a superior court
5 judgeship converted from a subordinate judicial officer position.
6   (c) For purposes of this section, "subordinate judicial officer"
7 means an officer appointed under the authority of Section 22 of
8 Article VI of the California Constitution. This section shall not
9 apply to a subordinate judicial officer established by Section
10 4251 of the Family Code.
11   (d) It is the intent of the Legislature that no subordinate
12 judicial officer shall involuntarily lose his or her position solely
13 due to operation of this section. This section does not change the
14 employment relationship between subordinate judicial officers
15 and the trial courts established by law.
16   (e) This section does not limit the authority of the Governor to
17 appoint a person to fill a vacancy pursuant to subdivision (c) of
18 Section 16 of Article VI of the California Constitution.
19   (f) This section does not entitle a court to an increase in
20 funding.
21   (g) The operation of this section shall neither increase nor
22 decrease the number of judicial and subordinate judicial officer
23 positions and court support positions for which a county is
24 responsible by law.

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